

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00091-02

TONI BROWN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 1, 2011, the United States of America appeared by Meredith R. George, Assistant United States Attorney, and the defendant, Toni Brown, appeared in person and by her counsel, Christian M. Capece, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Troy A. Lanham, the defendant having commenced a three-year term of supervised release in this action on September 12, 2011, as more fully set forth in the Probation Revocation and Judgment order entered by the court on September 6, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used and possessed methylenedioxypyrovalerone "MDPV", commonly referred to as bath salts, as evidenced by a positive urine specimen submitted by her on September 20, 2011, and her admission to the probation officer on October 17, 2011; (2) that the defendant violated the special condition that she spend six months at Transitions, Inc. inasmuch as she was terminated from the program on October 14, 2011, after violating the rules and regulations of the facility, including using an illegal substance, bath salts; and (3) that the defendant used and possessed cocaine as evidenced by a positive urine specimen submitted by her on November 3, 2011, and her subsequent admission to the probation officer; all as admitted by the defendant on the record of the hearing and as set forth in the petition and amendment on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate

the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if she is confined, it is accordingly ORDERED that the defendant be, and she hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term twenty-four (24) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that she spend six months in a community confinement center deemed most appropriate to meet her needs as will be directed by the probation officer and participate in the

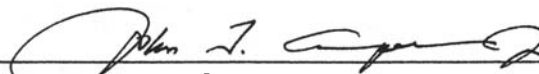
most intensive drug abuse counseling and treatment program available at the center, and make herself available for further drug abuse counseling and treatment as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Alderson.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 9, 2011



John T. Copenhaver, Jr.
United States District Judge